

**William Midgette**

**vs**

**U.S. DEPT OF TRANSPORTATION  
SECURITY SCREENER'S ADMINISTRATION  
LOGAN AIRPORT BOSTON, MA. 02128 USA.**

**The written records in TSA database will support my claim that everyone did not take the test in the tent as they claim. Alexander T. Keenan said he was sure everyone tested the same, yet he seem to have trouble finding the data. Civil Rights Investigator Christine Agnitti for (TSA) said she had a problem obtaining records to backup the statement. The New York district office of the eeoc Federal Judge had simular problems with getting documents from (TSA) people.**

**THESE STATEMENTS ARE ACTUAL ACCOUNTS TAKEN FROM THIS CASE. When the complainant reported at the assessment site on july 18, 2002, I was told by the NCA Pearson the company contract to run the testing and hiring thats a mistake was made on my reporting date, and I was to report the next day, july 19, 2002 at 11: pm. I took the computerized part of the test and was told I fail to get a passing score, yet in the affidavit of 3/07/03 under osth when ask what was the minimum passing score on the computerized test? Mr. Alexander T. Keenan (tsa) said DON'T KNOW. Question- Were all security screener applicants given the same test? answer- yes. Did you ever visit the assessment site? answer-no. Mr. Midgette contends that some screener applicants were required to take the computerized test in outdoor tents at the Logan airport site, would this be the normal procedule? answer-CORRECT. Was all screener applicants required to stay with their groups doing the assessment process to the extent that they would not be excused to use a restroom? answer-CORRECT. Was there any particular reason as to how applicants were separated into groups to take**

*William Midgette  
Jan 10, 2005  
wm*

WILLIAM MIDGETTE  
vs

U.S. DEPT OF TRANSPORTATION  
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The way the assessment was handle  
it was hard under the conditions in and. Unlit tent with metal  
back folding chairs, the fonts on the test went from small to medium  
repeatedly from page to page. To read what was on the test, at  
times you had to lean forward to get what was being ask on the  
monitor, My back tighten up after some minutes, and I was there for  
over three hours. No! Einstein would not have pass that test,  
because nobody in the tent passed that test. If he was in the tent  
he failed. While waiting for my test results a lady came out of the  
area were they give the news of the results of the test. She was  
demanding to see someone of authority, the assessment people  
tried to keep her from speaking out but she was irate and some  
what out of control. She said you listen to me, i am a school  
teacher, and i have taken and given test all my life and have  
never seen anything like this. They manage to usher her out the  
tent.

*William Midgette*  
*Jan 10, 2005*  
*wm*

WILLIAM MIDGETTE

vs

U.S. DEPT OF TRANSPORTATION  
SECURITY SCREENER'S ADMINISTRATION  
LOGAN AIRPORT BOSTON, MA. 02128 USA

When I made the statement that the test was hard, it was taken out of contexts. The test I took was idiotic and did not conform with title VII of the 1964 civil rights act. An employer can ask you to take a written, oral, or computerize test to measure skills and knowledge required to perform a job. Such test must be given to all applicants under the same conditions, and cannot discriminate against a protected group, such as Women, Minorities, or the Older applicants.

The test must measure a bona fide occupational qualification and may not adversely affect the hiring of the protected group. That didn't take place in this case.

I made the connection with Einstein to put emphasis on the conditions I was made to test under, and how it was impossible to pass the test if you took it in the tent. From my observation the tent was there to filter the separation of pre-select from the non-selected. I tested in a dim, dark, dirty tent, and if Einstein would have failed regardless of the score he made.

*William Midgette*  
*Jan 10, 2005*  
*wm*

**WILLIAM MIDGETTE**

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LOGAN AIRPORT BOSTON, MA. 02128 USA**

**The psychological and physical procedures used was well arranged beforehand. it appear to me none of it was done by accident. The only choice I had was to walk out on all of the mistreatment or stay and take the flaw test. The test had absolutely nothing to do with airport security. I worked at a Air Force Base for over twenty years and seen no relationship whatsoever on that test I took. I did some research on testing. Under title VII . Employment tests and your rights. And IQ personality, and physical ability. An Employer can ask you to take a written, verbal, or physical exam to measure skills and knowledge required to perform a job. Such tests must be given to all applicants under the same conditions and cannot discriminate against a protected group, such as women, minorities, or older applicants. The test must measure a bona fide occupational qualification, and may not adversely affect the hiring of women, minorities, or aged. Some of those violations came from their own statements.**

*William Midgette*  
*Jan 10, 2005*

~~SECRET~~  
William Midgette,

Complainant

Norman Mineta,

Secretary, Department of trans  
Transportation, D.O.T, Agency

v

FILED  
U.S. DISTRICT COURT  
DISTRICT OF MASS.

EEOC No. 160-2003-08433x

2005 JAN 11 P 1:55

Agency No. DOT 1 - 103 -1012

U.S. DISTRICT COURT  
DISTRICT OF MASS.

### **SUBMITTED STATEMENTS IN SUPPORT OF THE ARGUMENT AGAINST SUMMARY JUDGMENT.**

The written records in TSA database will support my claim that everyone did not take the test in the tent as he reported they did. Alexander T. Keenan said he was sure everyone treated the same, yet he seem to have trouble finding them.

Civil Rights Investigator Christine Agnitti for tsa said she had a problem obtaining records from them. The New York district office of the eeoc Federal Judge had simular problems with getting documents from tsa people.

### **THESE STATEMENTS ARE ACTUAL ACCOUNTS TAKEN FROM THIS CASE.**

When the complainant reported at the assessment site on july 18, 2002, he was told by assessment team officials that a mistake was made and he was to report the next day, july 19, 2002

The complainant took the computerized part of the test and he fail to get a passing score. In the affidavit of 3/07/03

under oath when ask what was the minimum passing score on the computerized test? Mr. Alexander T. Keenan (tsa) said **don't know**. Were all security screener applicants given the same computerized test? answer **yes**. Did you ever visit the assessment center for the logan airport? answer **no**.

Mr. Midgette contends that some screener applicants were required to take the computerized test in outdoor tents at the logan airport site, would this be the normal procedule? answer- **I DON'T THINK THAT OUTSIDE TENTS WERE THE NORM.**

Were all screener applicants required to stay with their groups doing the assessment process to the extent that they would not be excused to use a restroom? answer- **correct**. Was there any particular reason as to how applicants were separated into groups to take the computerized test? answer- **no**.

Were written records kept as to the time and date that each applicants was assigned to undergo the computerized test at an assessment site? answer- **yes**. Would have kept such records?

**ASSESSMENT SITE? Who Would Have Kept Such Records?**

Attached



copy of the records from ncs pearson? answer-**we own the database.** What office within tsa would have that database or copy of those records? answer- **WOULD HAVE TO DO SOME RESEARCH TO ANSWER THAT QUESTION.**

William Midgett  
Jan 19, 2005  
wm

NORMAN MINETA  
SECRETARY, DEPT OF TRANSPORTATION  
TRANS, DOT. AGENCY  
CAMBRIDGE, MASS

PERSONAL SUMMARY

Kimber Walton and his assistants were not familiar with the methods used by NCS PEARSON. The contract company responsible for the assessment and hiring. No inspectors on the assessment site to at least see the type of work they were doing to fulfill their contract with tax payer's money. Someone should have come to assure NCS PEARSON was not abusing the applicants as they did. I personally take offense for the way I was mistreated. The officials should have had much more insight with a job so critical as Airport Security. NCS PEARSON Had their script for who was to be hire and they stuck with it regardless of whats fair or not. If you wasn't on the list they had, you was sent to the tent to fail. The double standard was obvious to all. The NCS PERSON INC had little if any experience in the hiring practice of the U.S. Government. I base that assumption on years of experience, 25 years as a civil service employee. 20 years working at Hanscom Air Force Base. 15 of those years with security clearance. I have a certificate for being a participant in a workshop program for management employee relations. It consist of hiring practices, basic rights on the job, discrimination, human rights, it cover everything imaginable.

I find it impossible to give a fair job assessment without a job application, yet NCS PEARSON INC refuse mind when I offer it to them. When I told this to the head of EEOC Nate Phillips Washington, DC he ask me to send him my application, so if one turn up in my file check the date, it will not have 08/19/02

I have enough experience and knowledge to know when I am being duped by NSC PEARSON INC and possibly others. TSA have no choice but to back the contractors, and I have no other choice but to defend my civil liberties that was violated. . All is needed is a simple solution to solve this.

CHECK THE DOCUMENTATIONS = 08/19/02 RECORDS.  
THE TEST HAVE A DATE, TIME, TITLE, SERIAL NUMBER,  
AND A SCORE. The ones that test in the conference room  
Won't match the test I took.

William Midgette

William Midgette  
Jan 10, 2005  
Wm

William Michgeith

VS

SECRETARY, DEPT OF TRANSPORTATION

NORMAN MINETA

TRANSPORTATION, D.O.T AGENCY

### Issue

CAMBRIDGE, MASS

The complainant claims that he was subject to disparate treatment because of his age (09/06/34) When on August 19, 2002 he was informed that he had not successfully completed the transportation security screener test.

I have no doubt that I completed the whole test successfully.

Specifically he believed that the format of the test, and the atmosphere in which the test was conducted created an intimidating and discriminatory environment.

### Background

Complainant Applied on- line for a screener position with the agency in July 2002 He was 68 years old at the time. When the complainant reported at the assessment site as directed on August 18, 2002 I was told by officials that a mistake has been made, and he was to report the following day August 19, 2002 at 11am. He reported at 7am The assessment process began at 9am If he had reported at 11am I would have been shut out of the assessment process

William Michgeith

Jan 10, 2005

WM



VS

NORMAN MINETA,  
SECRETARY, DEPT MENT OF TRANSPORTATION  
TRANS DOT AGENCY  
CAMBRIDGE, MASS

From past rebuttal statements

The records will show that I was given the computerize screeners test behind the Hilton hotel at the logan airport in Boston, Massachusetts in a tent on 08/19/02 Most of the applicants took the test in the conference room on the 2nd floor of the Hilton Hotel.

Kimber Walton and his assisstants admited in a sworn statement that they never visit the Boston site, yet he made statements favorable for the teams and officials of NCS PEARSON INC Who was contracted to conduct the assessment processing for (TSA) without over sight. The assessment process used by NCS Pearson inc was unlike anything I ever seen in my 25 years working for the government.

At times it look like cowhands cutting cattle from the herd, separating the one sent to the conference room, from the ones who was to test in the tent. The separation went on doing the security checks, it happen when we were filling out forms. We informed the officials that we already filled out our job application and the attach forms that came with the package in mail with the instructions to complete at home. Doing this time they was still taking people from the room, were they was escorted to the conference room. We was told to fill the applications out again because they had to be right. I personally seen them tear the applications up and throw them in the waste basket after the process was over if you can call it that.

William Midgeette

Jan 10, 2005

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WILLIAM MIDGE

VS

~~THE~~ NORMAN NINETA

SECRETARY, DEPT OF TRANSPORTATION

TRANS, DOT, AGENCY

CAMBRIDGE, MASS

### PREEMPLOYMENT TESTING

A prospective employer may ask you to take a preemployment test to help determine whether you are qualified for a particular job. In certain cases, employers can use tests to measure your intelligence, determine your physical strength and agility, or evaluate your personality. Under Title VII, however, employers can require these tests only if the test measures some asset needed for a job--- such as a physical exam based on actual job related tasks to evaluate a firefighter, or a typing test to rate a word processor.

Moreover, the law specifies that tests may not be discriminatory in terms of race, gender, age, or disability, unless there is a bona fide occupational qualification (BFOQ) that can be considered.

If you believe a test you were given was biased and you were denied employment because of it, you can file a complaint.

**IQ, personality, and physical ability.** An employer can ask you to take a written, verbal, or physical exam to measure skills and knowledge required to perform a job. **Such tests must be given to all applicants under the same conditions, and cannot discriminate against a protected group, such as women, minorities, or older applicants. The test must measure a bona fide occupational qualification and may not adversely affect the hiring of women or minorities.**

**The Title VII Act, amendment to the Civil Rights Act, enforced by the Equal Employment Opportunity Commission (EEOC), prohibits discriminating against job applicants.**

William Midge

Jan 10, 2005